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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/692,557 | 10/23/2003 | Philip Berardi | 1008-P03169US | 5888 |

33356 7590 11/08/2004
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EXAMINER

SZUMNY, JONATHON A

ART UNIT PAPER NUMBER

3632

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,557

Applicant(s)

BERARDI, PHILIP

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 37-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB-089)
Paper No(s)/Mail Date 8/24/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

This is the second office action for application number 10/692,557, Support Extension for Stage Apparatus, filed October 23, 2003.

Election/Restrictions

Claims 37-40 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Priority

Domestic priority of application numbers 60/420,896 and 60/420,983 filed on October 23, 2002 is acknowledged.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-5, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,677,794 to Parron et al.

Regarding claims 1-5 and 7, Parron et al. '794 discloses a support extension (figure 4) comprising an accepting means (70,76), and a coupling means (82) included in the accepting means, wherein the coupling means includes a fastening means (80) that is rotationally activated, wherein the accepting means is constructed of metal (see cross hatching in figure 5), wherein the accepting means includes a means (76) that

Art Unit: 3632

could inherently receive stage equipment, a safety pin or pliers, whereby the coupling means could inherently be activated (from Merriam-Webster's Collegiate Dictionary - 10th Edition, "to make active", and "active" is defined as "involving movement") when the accepting means is rotated.

Alternatively, regarding claims 8, the coupling means comprises member (80), the fastening means comprises member (82), and the accepting means includes a fastening means engaging means comprising the internally threaded aperture (76) of figure 5.

Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent number 6,719,156 to Ellbogen et al.

Ellbogen et al. '156 divulges a support extension (figure 1B) comprising an accepting means (18), and a coupling means (43) included in the accepting means, wherein the coupling means includes accepting means fastening means (44,45), wherein the accepting means is cylindrical with a round cross section; whereby the coupling means could inherently be activated (from Merriam-Webster's Collegiate Dictionary - 10th Edition, "to make active", and "active" is defined as "involving movement") when the accepting means is rotated.

Claims 1 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 6,222,107 to Lo.

Art Unit: 3632

Lo '107 discloses a support extension (figure 2) comprising an accepting means (40), and a coupling means (60) included in the accepting means, wherein the coupling means includes accepting means fastening means (70), wherein the fastening means comprises a butterfly bolt; whereby the coupling means could inherently be activated (from Merriam-Webster's Collegiate Dictionary - 10th Edition, "to make active", and "active" is defined as "involving movement") when the accepting means is rotated.

It is noted that for claims 12 and 23, the phrase "to be coupled" and for claim 34, the phrases "to be fastened" and "to be attached" are all assumed to be *functional* language.

Claims 12, 14-18, 23, 24 and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 4,244,501 to Ingram.

Ingram '501 discloses a support extension/pin (figure 2) comprising a body/pin body (95) and a bolt/t-bolt (86,80) coupled with the body/pin body, wherein the body/pin body includes a wide groove/small hole/at least two notches (97), wherein the body/pin body is generally cylindrical, wherein the body/pin body cavity includes screw threads (88) complimentary to screw threads (86) on the bolt/t-bolt; wherein bolt can intrude into a cavity in the body when the body is rotated (see figure 2).

Claims 1, 10, 11, 12, 19-24 and 30-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 5,794,901 to Sigel.

With respect to claims 1, 10 and 11, Sigel '901 divulges a support extension (figure 2) comprising accepting means (14,13, 5, 7), and coupling means (12) included in the accepting means, wherein the coupling means includes accepting means fastening means (17), wherein the fastening means comprises fastening means aligning means (36) that is rotationally activated; whereby the coupling means could inherently be activated (from Merriam-Webster's Collegiate Dictionary - 10th Edition, "to make active", and "active" is defined as "involving movement") when the accepting means is rotated.

Regarding claims 12, 19-24 and 30-36, Sigel '901 discloses a support extension (figure 2) comprising a body/pin body (12), and a bolt/t-bolt (17) coupled with the body/pin body, wherein the bolt/t-bolt comprises a head (18), a collar (36) and a cylindrical portion (22), wherein the collar is in a shape that serves as a cam when rotated (column 5, line 57, "rotation limiting") such that when the head becomes perpendicular to a channel opening in a rail, the body/pin body rotates (as in figure 3, just before locked position of head, via the collar (36)), wherein the cylindrical portion includes screw threads (22) complimentary to screw threads (23) included in the body/pin body cavity, wherein the support pin is inherently attachable to a rail by placing the head of the t-bolt into a channel in the rail and rotating the pin body, the rotating causing the cylindrical portion to be drawn into a receiving cavity in the pin body as the head of the t-bolt becomes flush with the underside of the lips of the channel in the rail while the pin body is secured against the top of the rail (secured via 14, see figure 3), wherein the support pin further comprises a washer (38) that fits onto the cylindrical

Art Unit: 3632

portion of the t-bolt and inherently sits between the top of the rail and the pin body when the support pin is attached to the rail, the washer inherently enhances attachment of the support pin to the rail (inherently via more friction), wherein bolt can intrude into a cavity in the body when the body is rotated (see figure 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ingram '501.

Ingram '501 teaches the previously described device (figure 2) wherein many other features of the support are made of metal (see cross-hatching in figure 3), but fails to specifically reveal the body/pin body to be constructed of one of a metal, resin or plastic. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have constructed the body/pin body of metal since it is well known that doing so provides for a durable sturdy device, in addition to providing for a more homogenously built device.

Response to Arguments

Applicant's arguments filed August 24, 2004 have been fully considered but they are not persuasive.

On the bottom of page 11 of the remarks, the applicant contends the bar 70 in Parron fails to teach the "means for accepting" of claim 1. The Examiner disagrees. Clearly, the accepting means (70,76) could accept stage equipment (a screw, a bolt, a cord, etc. could all be "stage equipment"), and as previously mentioned when such accepting means is rotated the coupling means is activated.

Continuing, on the top of page 12, the applicant alleges that Ellbogen et al. fails to teach "a means for coupling including a means for fastening the means for accepting to a rail." This is not true; see above rejection. A few lines down, the applicant contends "there is no fastening means included in the base member 42 or plate 44." This is completely untrue. Clearly, the member 44,45 assists in *fastening* the accepting means to some surface (that could inherently be a rail). Again, as previously mentioned, the coupling means can be activated when the accepting means is rotated.

On the top of page 13 of the remarks, the applicant simply alleges that "Lo fails to teach anything recited in claims 1 or 9 but for the butterfly bolts recited in claim 1," and then basically recites claims 1 while stating that Lo fails to teach such. The Examiner disagrees with all such contentions; see rejection above utilizing the invention of Lo.

On the bottom of page 13, the applicant has completely misconstrued how claim 12 is actually worded. Claim 12 recites "the bolt *to be coupled* to a rail by rotating the body, the bolt intruding into a cavity in the body *when* the body is rotated." This is

Art Unit: 3632

functional language. However, in the remarks, the applicant leads one to believe that claim 12 is a method claim ("rotating the body to couple the body to a rail"). Clearly, the device of Ingram is capable of all functions recited in claim 12. The applicant wrongly contends that the collar or body 85/95 does not have a cavity. As indicated by the Examiner, the screw threads 88 are in the cavity of the collar or body 85/95. At the end of the paragraph, the applicant alleges that Ingram fails to teach rotating the body which receives stage equipment (the claims recites "to receive stage equipment", this is functional language) to couple the body (it appears this should be bolt, not body) to the rail. Again, "rotating the body" is functionally recited in the claim; nevertheless, Ingram clearly teaches that if the body is rotated, the body and bolt are coupled to the rail (see figures 2-4).

On page 14, the applicant contends that the body/collar cannot receive stage equipment because of its size. What exactly is "stage equipment"? Clearly, a screw could be a piece of "stage equipment", and a screw could be received on the body.

On the bottom of page 14, the applicant contends that the Examiner (with regards to the use of Sigel) is using a piecemeal approach to support an anticipation rejection. This is not true. The Examiner utilized Sigel in a 102 rejection, not a 103 rejection. All features of the applicant's claims 1, 10, 11, 12, 19-24 and 30-36 are disclosed in Sigel. There is no piecemeal approach.

Again, on the top of page 15, the accepting means of Sigel (14,13,5,7) are in fact capable of receiving a piece of stage equipment. Also, if the accepting means is rotated, the coupling means would surely move and thus be activated.

Finally, on the bottom of page 15, and again incorrectly, the applicant contends that the body does not have a cavity. The body does in fact have a cavity (23) that was previously indicated by the Examiner.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

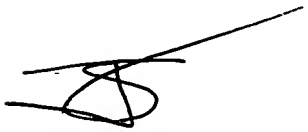
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 872-9306.

Art Unit: 3632

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
Patent Examiner
Technology Center 3600
Art Unit 3632
October 26, 2004



ANITA KING
PRIMARY EXAMINER